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MICROSOFT CORPORATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,

V.

TSUNAMI TRADING, INC. and GORDON  
SNOW,

Defendants.

Case No. C-06-06718-WHA

**~~PROPOSED~~ ORDER FOR  
PERMANENT INJUNCTION  
AGAINST DEFENDANTS TSUNAMI  
TRADING, INC. AND  
GORDON SNOW**

Having considered plaintiff Microsoft Corporation’s (“Microsoft”) Motion for Default Judgment and Permanent Injunction, Memorandum in Support of its Motion for Default Judgment and Permanent Injunction, the Declaration of Shaakirrah R. Sanders, the default entered by the Clerk on filed herein, the summonses, Complaint for Willful Infringement in Violation of 15 U.S.C. §§ 501 *et seq.*, Willful Trademark Infringement in Violation of 15 U.S.C. §§ 1114 *et seq.*, False

1 Designation of Origin in Violation of 15 U.S.C. §§ 1125 *et seq.*, Constructive Trust, and Accounting  
2 (“Complaint”), and Proofs of Service on file herein, and all of the relevant papers and pleadings on  
3 file with the Court in this matter,

4 **THE COURT ORDERS AS FOLLOWS:**

5 Defendants Gordon Snow and Tsunami Trading, Inc. (collectively “defendants”), their  
6 directors, principals, officers, agents, servants, employees, representatives, successors, and assigns,  
7 and all those acting in concert or participation with them shall be, and hereby are, PERMANENTLY  
8 ENJOINED and restrained from:

9 (a) imitating, copying, or making any other infringing use or infringing distribution of  
10 the software and/or materials now or hereafter protected by the following copyright Certificates  
11 Registration Nos.:

- 12 (1) TX 5-837-617 (Microsoft Office 2003 Professional);  
13 (2) TX 5-872-225 (Microsoft Access 2003);  
14 (3) TX 5-837-636 (Microsoft Excel 2003);  
15 (4) TX 5-900-087 (Microsoft Outlook 2003);  
16 (5) TX 5-852-649 (Microsoft PowerPoint 2003);  
17 (6) TX 5-900-088 (Microsoft Word 2003);  
18 (7) TX 5-837-618 (Microsoft Publisher 2003); and  
19 (8) any other items or works now or hereafter protected by any Microsoft  
20 copyright;

21 (b) imitating, copying or making any other infringing use or infringing distribution of the  
22 software and/or materials now or hereafter protected by Microsoft’s registered trademarks and  
23 service mark, including, but not limited to, the following Trademark Registration Nos.:

- 24 (1) 1,200,236 “(MICROSOFT)” and  
25 (2) 1,256,083 “(MICROSOFT”);  
26

1 (c) manufacturing, assembling, producing, distributing, offering for distribution,  
2 circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software,  
3 component, or thing bearing any simulation, reproduction, counterfeit, copy or colorable imitation of  
4 any Microsoft registered Trademark, Service Mark or Copyright Registration Number, including,  
5 but not limited to, those listed in paragraphs (a) and (b) above;

6 (d) using any simulation, reproduction, counterfeit, copy or colorable imitation of  
7 Microsoft's registered Trademarks, Service Mark or Copyright Registration Number, including, but  
8 not limited to, those listed in paragraphs (a) and (b) above, in connection with the manufacture,  
9 assembly, production, distribution, offering for distribution, circulation, sale, offering for sale,  
10 import, advertisement, promotion or display of any software program, component, and/or item not  
11 authorized or licensed by Microsoft;

12 (e) using any false designation of origin or false or misleading description or false or  
13 misleading representation that can or is likely to lead the trade or public erroneously to believe that  
14 any software program, component or item has been manufactured, assembled, produced, distributed,  
15 offered for distribution, circulation, sold, offered for sale, imported, advertised, promoted, displayed,  
16 licensed, sponsored, approved or authorized by or for Microsoft, when such is not true in fact;

17 (f) using reproductions, counterfeits, copies or colorable imitations of Microsoft's  
18 copyrighted and trademark protected software and other materials in the distribution, offering for  
19 distribution, circulating, sale, offering for sale, advertising, importing, promoting or displaying of  
20 any merchandise not authorized or licensed by Microsoft;

21 (g) using the names, logos or other variations thereof of any of Microsoft's copyright  
22 and/or trademark protected software in any of the defendants' trade or corporate names;

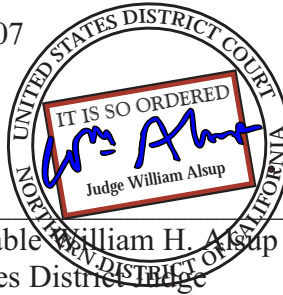
23 (h) engaging in any other activity constituting an infringement of any of Microsoft's  
24 trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to sue or to exploit,  
25 these trademarks, service mark, and/or copyrights;

(i) trafficking, distributing or intending to distribute any counterfeit or illicit Microsoft Certificates of Authenticity or Certificate of Authenticity Labels or any Microsoft documentation or packaging; and

(j) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (i) above.

**IT IS SO ORDERED.**

May  
DATED this 24th day of ~~April~~, 2007



The Honorable William H. Alsup  
United States District Judge

Respectfully Submitted by:

KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS, LLP

/s/ Shaakirrah R. Sanders

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